

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DANIEL COX , et al.,
Plaintiffs,

vs.

CLARUS MARKETING GROUP, LLC., et
al.,
Defendants.

Case No: C 11-0729 SBA

ORDER

Docket 38

MARK McKNIGHT, et al.,
Plaintiffs,

vs.

CLARUS MARKETING GROUP, LLC., et
al.,
Defendants.

Case No: C 11-1501 SBA

NICOLE HALL, et al.,
Plaintiffs,

vs.

CLARUS MARKETING GROUP, LLC., et
al.,
Defendants.

Case No: C 11-1757 SBA

Docket 15

The parties are presently before the Court on Plaintiffs' motion to consolidate Case Nos. C 11-729, C 11-1501 and C 11-1757 and to appoint co-lead interim class counsel, which is set for hearing on September 13, 2011. On August 31, 2011, the parties filed a stipulation to continue the hearing date on the motion, as well as the Case Management

1 Conference set at the same date. The parties indicate that Defendant Provide Commerce,
2 Inc. has a forum selection clause in certain agreements that may be applicable to Plaintiffs'
3 action. The forum selection clause indicates that suits must be prosecuted in the County of
4 San Diego, California. Thus, the parties are negotiating a dismissal of the actions so that
5 they may be filed in the County of San Diego. On this basis, the parties seek a continuance
6 on their motion to consolidate and appoint co-lead interim counsel. Accordingly,

7 IT IS HEREBY ORDERED THAT

8 1. The parties' request to continue the September 13, 2011 hearing and Case
9 Management Conference is GRANTED. The hearing and Case Management Conference
10 are CONTINUED to the next available hearing date of November 15, 2011 at 1:00 p.m.

11 2. Prior to the date scheduled for the conference, the parties shall meet and
12 confer and prepare a joint Case Management Conference Statement. Plaintiff is responsible
13 for filing the joint statement no less than seven (7) days prior to the conference date. The
14 joint statement shall comply with the Standing Order for All Judges of the Northern District
15 of California and the Standing Orders of this Court.

16 3. As this action is being continued after the date that briefing has closed on
17 Plaintiffs' motion to consolidate and to appoint interim co-lead class counsel, the Court will
18 permit only the following briefing: Plaintiffs shall file any supplemental brief of no more
19 than ten (10) pages by no later than September 30, 2011 and Defendant shall file any
20 response thereto of no more than ten (10) pages by no later than October 14, 2011.
21 Pursuant to Federal Rule of Civil Procedure 78(b) and Civil Local Rule 7-1(b), the Court,
22 in its discretion, may resolve the motion without oral argument. The parties are advised to
23 check the Court's website to determine whether a court appearance is required.

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1 4. This Order terminates Docket 38 in Case No. C 11-0729 and Docket 15 in
2 Case No. C 11-1757.

3 IT IS SO ORDERED.

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6 Dated: September 7, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge